

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BARBARA SHWEDA,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
DIVERSIFIED CONSULTANTS, INC.,)	
)	
Defendant.)	

PLAINTIFF’S COMPLAINT

Plaintiff, BARBARA SHWEDA (Plaintiff), through her attorneys, The deBruin Law Firm, LLC, alleges the following against Defendant, DIVERSIFIED CONSULTANTS, INC., (Defendant):

INTRODUCTION

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
3. Venue and personal jurisdiction in this District are proper because Defendant does or transacts business within this District, and a material portion of the events at issue occurred in this District.

PARTIES

4. Plaintiff is a natural person residing in Millsboro, Sussex County, Delaware.

5. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*.
6. Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*.
8. Defendant attempted to collect a consumer debt from Plaintiff.
9. Defendant is a collection agency located in Jacksonville, Duval County, Florida.
10. Defendant is a business entity engaged in the collection of debt within the State of Delaware.
11. The principal purpose of Defendant's business is the collection of debts allegedly owed to third parties.
12. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.
13. During the course of its attempts to collect debts allegedly owed to third parties, Defendant sends to alleged debtors bills, statements, and/or other correspondence, via the mail and/or electronic mail, and initiates contact with alleged debtors via various means of telecommunication, such as by telephone and facsimile.
14. At all times relevant hereto, Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

15. Defendant is attempting to collect a consumer debt from Plaintiff that Plaintiff does not owe.
16. The alleged debt at issue arises from transactions for personal, family, and household purposes.
17. Starting approximately three years ago, Defendant began placing collection calls to

Plaintiff on Plaintiff's home telephone at 302-945-XXXX.

18. Defendant places collection calls to Plaintiff seeking to collect a debt from Robert Hamil.

19. Plaintiff does not owe the debt and does not know Robert Hamil.

20. On multiple occasions, Plaintiff has told Defendant that Plaintiff does not owe the debt and that Plaintiff does not know Robert Hamil.

21. On multiple occasions, Plaintiff has told Defendant to stop calling.

22. Despite Plaintiff's repeated requests, Defendant continues to place collection calls to Plaintiff.

23. Defendant calls Plaintiff approximately four times a week.

24. Defendant calls Plaintiff from 443-602-9097.

25. The telephone number of 443-602-9097 is one of Defendant's telephone numbers.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

26. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt when Defendant continued to place collection calls to Plaintiff after Plaintiff, on numerous occasions, instructed Defendant that Plaintiff is not the debtor, does not know the debtor, and told Defendant to stop calling; and
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff

when Defendant continued to place collection calls to Plaintiff after Plaintiff, on numerous occasions, instructed Defendant that Plaintiff is not the debtor, does not know the debtor, and told Defendant to stop calling.

27. Defendant's acts as described above were done intentionally with the purpose of harassing Plaintiff.

28. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiff for actual damages, statutory damages, and costs and attorney's fees.

WHEREFORE, Plaintiff, BARBARA SHWEDA, respectfully requests judgment be entered against Defendant, DIVERSIFIED CONSULTANTS, INC., INC., for the following:

29. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*;

30. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*; and

31. Any other relief that this Honorable Court deems appropriate.

May 21, 2014

By: /s/ David W. deBruin
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